

Message Text

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SUBJECT: HUMAN RIGHTS REPORTING FOR 1976

REF: STATE 45319, 75; CARACAS A-24

1. IN RESPONSE TO REFTEL THE EMBASSY SUBMITS THE FOLLOWING REVIEW OF THE GOV'S RECORD ON HUMAN RIGHTS. SINCE NO SIGNIFICANT HUMAN RIGHTS PROBLEMS EXIST IN VENEZUELA, THE EMBASSY'S ENTIRE REPORT IS CONTAINED IN THIS TELEGRAM; THERE IS NO ACCOMPANYING AIRGRAM. THE DEPARTMENT IS REFERRED TO THE REFERENCED AIRGRAM FOR THE EMBASSY'S REVIEW OF THE HUMAN RIGHTS SITUATION IN VENEZUELA IN 1975 WHICH THIS TELEGRAM SERVES TO UPDATE.

2. THE HUMAN RIGHTS SITUATION IN VENEZUELA IN 1976 IS BASICALLY THE SAME AS LAST YEAR. VENEZUELA CONTINUES TO BE A MODEL FREE AND DEMOCRATIC GOVERNMENT IN LATIN AMERICA. CONSTITUTIONAL GUARANTEES ARE SIMILAR TO THOSE THAT EXIST IN THE U.S. AND ARE OBSERVED BY THE GOV. IN VENEZUELA THERE DOES NOT EXIST MARTIAL LAW, A "STATE OF SIEGE," A "STATE OF EMERGENCY," OR THE LIKE. IN FACT, PRESIDENT CARLOS ANDRES PEREZ HAS RECENTLY SPOKEN OF A "STATE OF LAW" IN VENEZUELA. THIS DESCRIPTION IS BORNE OUT BY THE ABSENCE OF SIGNIFICANT HUMAN RIGHTS PROBLEMS HERE.

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3. THE ACTUAL PRACTICE OF THE GOV IS IN ACCORD WITH GUARANTEES IN THE VENEZUELAN CONSTITUTION AND THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. TO CITE ONE EXAMPLE, PROLONGED DETENTION WITHOUT TRIAL DOES NOT TAKE PLACE IN VENEZUELA. WHEN A LEFTIST GROUP PUBLISHED A FULL-PAGE NEWSPAPER AD AT THE END OF 1975 ACCUSING THE GOV OF NOT TELLING THE TRUTH ABOUT THE EXISTENCE OF POLITICAL PRISONERS IN VENEZUELA, THE GOV REPLIED WITH AN AD OF ITS OWN DETAILING THE CRIME FOR WHICH EACH PERSON NAMED IN THE FIRST AD HAD BEEN CONVICTED. THE CRIMES INCLUDED MURDER, KIDNAPPING, AND ARMED REBELLION.

4. THE GOV DOES NOT CONDONE OR ENCOURAGE ITS OFFICIALS IN VIOLATIONS OF HUMAN RIGHTS OR DENIALS OF THE RIGHT TO LIFE, LIBERTY AND THE SECURITY OF THE PERSON. FOLLOWING THE KIDNAPPING OF U.S. INDUSTRIALIST WILLIAM NIEHOUS OF FEBRUARY 27, 1976, THE GOV LAUNCHED A LARGE-SCALE SEARCH FOR HIS ABDUCTORS. AT THE SAME TIME, PRESIDENT PEREZ ASSURED THE PUBLIC THAT THE GOV "WOULD NOT LOSE ITS HEAD," AND THAT CONSTITUTIONAL GUARANTEES WOULD BE OBSERVED. MOREOVER, THE DIRECTOR OF THE VENEZUELAN INTELLIGENCE SERVICE STATED ON MARCH 9 THAT HIS OFFICIALS HAD BEEN DIRECTED TO ADHERE TO THE LETTER OF THE LAW IN INVESTIGATING THE NIEHOUS KIDNAPPING. IN ANOTHER CASE ILLUSTRATIVE OF THE GOV'S ATTITUDE CONCERNING VIOLATIONS OF HUMAN RIGHTS, THREE OFFICERS OF THE MILITARY INTELLIGENCE SERVICE WERE CONVICTED LAST YEAR OF MURDERING IN 1974 A CARACAS LAWYER WHO WAS ENGAGED IN DEFENDING A LEFTIST GROUP SUSPECTED OF BEING INVOLVED IN AN ASSASSINATION.

5. THE EMBASSY IS NOT FAMILIAR WITH ANY RECENT REPORTS OR FINDINGS BY INTERNATIONAL ORGANIZATIONS WITH REGARD TO THE HUMAN RIGHTS SITUATION IN VENEZUELA. HOWEVER, THE INTER-AMERICAN PRESS ASSOCIATION HAS STATED ON SEVERAL OCCASIONS THAT A FREE PRESS EXISTS IN VENEZUELA. IN THIS REGARD, WHEN THE EDITOR OF THE VENEZUELAN WEEKLY, ZETA, WAS DETAINED LAST YEAR AFTER BEING ACCUSED OF DEFAMING THE CHARACTER OF THE FORMER VICE MINISTER OF MINES, HE WAS FREED BY A JUDGE WHO DECLARED THAT FREEDOM OF THE PRESS WAS AN ESSENTIAL INGREDIENT OF VENEZUELAN SOCIETY, AND THAT EXAMINATION BY THE PRESS OF THE CONDUCT OF PUBLIC OFFICIALS COULD NEVER BE CONSIDERED A CRIME.

6. THERE HAS BEEN NO NEED FOR THE EMBASSY TO UNDERTAKE DIPLOMATIC LIMITED OFFICIAL USE

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OR OTHER STEPS TO DISCOURAGE HUMAN RIGHTS VIOLATIONS BY THE GOV.

7. IT REMAINS THE EMBASSY'S VIEW THAT VENEZUELA CONTINUES TO BE ELIGIBLE TO RECEIVE ECONOMIC OR MILITARY ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT AND THE INTERNATIONAL DEVELOPMENT AND FOOD ASSISTANCE ACT OF 1975.

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